



Zoning Board of Appeals

Office of the City Council

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Warren, MI 48092

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Roman Nestorowicz, Chairman
Judy Furgal, Vice-Chairwoman
Paul Jerzy, Secretary
Charles Anglin, Asst. Secretary
Jeffrey Curle
William Clift
Charles Perry
Anthony Sieracki, Jr.
Michael Sylvester

**A Regular Meeting of the Zoning Board of Appeals
Wednesday, August 25, 2021 at 7:30 p.m. in the Warren Community Center
Auditorium, 5460 Arden, Warren, Michigan 48092.**

Site plans are available for viewing in the Building Department of
City Hall at 1 City Square, 3rd Floor, Warren, 48093.
Due to building being closed for Covid-19, please call: (586) 574 - 4504

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ADOPTION OF THE AGENDA
5. APPROVAL OF THE MINUTES OF the **Regular Meetings of July 14, 2021 and July 28, 2021.**

6. PUBLIC HEARING: **APPLICANT: Wariz Group LLC ~~–USE–~~**
(Rescheduled from 7/14/2021 & 8/11/2021)
REPRESENTATIVE: Nathan Shevick
COMMON DESCRIPTION: 7001 Chicago
LEGAL DESCRIPTION: 13-04-402-006
ZONE: M-1

VARIANCES REQUESTED: Permission to ~~–USE–~~

- 1) Allow a marijuana cultivation facility in a prohibited zone.
- 2) Waive 24,657 square ft. of required off-street parking.

ORDINANCES and REQUIREMENTS:

Section 4G.08 – Prohibitions: (2) A medical marijuana facility is not permitted in any of the following areas: (a) the portion of the downtown district (commonly known as the ODA district as described in Chapter 2, Section 2-112) north of Twelve Mile Road, south of Thirteen Mile/Chicago Road thoroughfare including all lots (north and south), east of Mound Road, and west of Lorraine Avenue.

Section 4.32 – Off-street Parking Requirements: In all zoning districts, off-street parking facilities for the storage of parking of self-propelled motor vehicles for use of occupants, employees, and patrons of the buildings hereafter erected, altered or extended after the effective date of this ordinance, shall be provided and maintained as herein prescribed. (23)

Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing and engraving shops, warehouse and storage buildings. Provide upon land owned by such establishment about each industrial building, buildings or use, other than the front yard, or driveways which shall be sufficient in size to provide adequate facilities for the parking of automobiles and other motor vehicles used by the firm or employees or persons doing business therein, such space shall not be less than one (1) parking space for each (4) employees, computed on the basis of the greatest number of persons to be employed at any one period during the day or night, and in no case shall the area allotted to off-street parking be less than one hundred (100) percent of the total floor area.

- 7. PUBLIC HEARING: **APPLICANT: Kathleen Dominczak**
(Rescheduled from 8/11/2021)
- REPRESENTATIVE: Same as above.
- COMMON DESCRIPTION: 28701 Norwood
- LEGAL DESCRIPTION: 13-18-204-022
- ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Retain an existing 484 square ft. detached garage in addition to new construction of a 696 square ft. attached garage, for a total of 1,180 square ft.

ORDINANCES and REQUIREMENTS:

Section 7.01 – Uses Permitted: (l) All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

- 8. PUBLIC HEARING: **APPLICANT: Mike Shaba / Shaba LLC**
(Rescheduled from 8/11/2021)
- REPRESENTATIVE: Mike Shaba
- COMMON DESCRIPTION: 22241 Van Dyke
- LEGAL DESCRIPTION: 13-33-276-014
- ZONE: C-2

VARIANCES REQUESTED: Permission to

Allow hard surfacing to within 15 ft. of the side property line.

ORDINANCES and REQUIREMENTS:

Section 14.08 – Side Yards on the Street Side of Corner Lots: The width of a side yard abutting upon a street shall be not less than fifteen (15) feet when rear yards abut rear yards. However, in the case of a rear yard abutting a side yard of an adjacent residential lot, the side yard abutting upon a street shall be not less than twenty-five (25) feet.

- 9. PUBLIC HEARING: **APPLICANT: Phillips & Marie Fazio**
Family Trust ~~-USE-~~

(Rescheduled from 8/11/2021)

REPRESENTATIVE: Kerm Billette
 COMMON DESCRIPTION: 21730 Schoenherr
 LEGAL DESCRIPTION: 13-36-153-051
 ZONE: M-1 & R-1-P

VARIANCES REQUESTED: Permission to ~~USE~~

- 1) Waive 3,948 square ft. of required off-street parking.
- 2) Allow the open storage of vehicles in an R-1-P zone. **Use**

ORDINANCES and REQUIREMENTS:

Section 4.32 – Off-Street Parking Requirements: In all zoning districts, off-street parking facilities for the storage or parking of self-propelled motor vehicles for use of occupants, employees, and patrons of the buildings hereafter erected, altered or extended after the effective date of this ordinance, shall be provided and maintained as herein prescribed. (23) Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing and engraving shops, warehouse and storage buildings. Provide upon land owned by such establishment about each industrial building, buildings, or use, other than the front yard, or driveways which shall be sufficient in size to provide adequate facilities for the parking of automobiles and other motor vehicles used by the firm or employees or persons doing business therein, such space shall not be less than one (1) parking space for each four (4) employees, computed on the basis of the greatest number of persons to be employed at any one period during the day or night, and in no case shall the area allotted to off-street parking be less than one hundred (100) percent of the total floor area.

Section 8.01 – Uses Permitted: Open storage is not allowed in an R-1-P zone.

10. PUBLIC HEARING: **APPLICANT: JB DLCO Transmissions**
(Rescheduled from 8/11/2021)
 REPRESENTATIVE: Kerm Billette
 COMMON DESCRIPTION: 24111 Groesbeck
 LEGAL DESCRIPTION: 13-25-151-014
 ZONE: M-2

VARIANCES REQUESTED: Permission to

- 1) Retain existing hard surfacing to the property line along Schoenherr on this double frontage property.
- 2) Allow outdoor storage to the property line along Schoenherr.
- 3) Retain existing hard surfacing to the north property line.
- 4) Allow 5,112 square ft. of outdoor storage when 4,028 square ft. is allowed.
- 5) Allow a 20 ft. maneuvering lane.
- 6) Retain existing wall signage as follows:
 South elevation:
 - a) "Allison truck transmission" 82.9 square ft.
 - b) "J.B. DLCO transmissions" 244.08 square ft.
 - c) "We service & repair" 84.66 square ft.
 - d) Four decorative circles 18.37 square ft. each (Total 73.48 square ft.)
 West elevation: "J.B. DLCO Transmissions" 71.37 square ft.

Total wall signage 556.49 square ft. in addition to existing permitted projecting signs of 52 square ft. (one at 16 square ft., a second 36 square ft.) Total of projecting and wall signs = 608.49 square ft.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: (A) Front yards – 2. In an M-2 zone where a front yard has been established by the majority of the existing buildings in a block, all buildings hereinafter erected or altered shall conform to the building line thus established, provided no building in an M-2 zone shall be required to set back further than 50 feet. Provided, further, however, notwithstanding any provisions to the contrary, in M-2 zones, yards front on a major thoroughfare as defined by the master thoroughfare plan for the City of Warren or front yards facing a residential district shall be fifty (50) feet.

(B) Side yard setback is 20 feet.

(S) Open Storage Other Than Junk – The designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site except in M-3 and M-4 zones where the amount of outside storage area is not limited based on the size of the primary structure. In M-1 and M-2 zones the designated area shall not be located any closer than seventy-five (75) feet to the front property line unless the size of the lot is less than one hundred fifty (150) feet in depth in which case the Planning Commission may allow the designated area to be located no closer than twenty-five (25) feet from the front property line.

Section 4.32 – Off-street Parking Requirements: (I) All spaces that do not abut a continuous curb required in accordance with Section 16.07 or a common property line shall be laid out in the following dimensions: 90-degree parking length 20 ft. maneuvering lane is 22 ft.

Section 4A.35 – Signs Permitted in Commercial Business and Industrial Districts: (C-1, C-2, C-3, M-1 and M-2). Total wall signs cannot exceed 40 square ft.

- 11. PUBLIC HEARING: **APPLICANT: Holy Cross Lutheran Church**
- REPRESENTATIVE: Maurice Hintze
- COMMON DESCRIPTION: 30003 Ryan
- LEGAL DESCRIPTION: 13-07-279-031
- ZONE: R-1-B

VARIANCES REQUESTED: Permission to

Conduct an outdoor Family Fun Fest/Car Show on Sunday afternoon, September 26, 2021 from 12:30 p.m. to 5:00 p.m.

ORDINANCES and REQUIREMENTS:

Section 4.35 – Circuses, Fairs, Carnivals and Similar Uses: Festivals require the approval of the Zoning Board of Appeals.

- 12. PUBLIC HEARING: **APPLICANT: Our Lady of Grace Catholic Church**
- REPRESENTATIVE: Rev. Hoang C. Lam
- COMMON DESCRIPTION: 26256 Ryan
- LEGAL DESCRIPTION: 13-20-152-003
- ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Conduct the parish “Fall, Food & Entertainment Festival” on:

Friday: October 1st – 5 p.m. to 10 p.m.

Saturday: October 2nd – Noon to 10 p.m.

Sunday: October 3rd – 10 a.m. to 5 p.m.

ORDINANCES and REQUIREMENTS:

Section 4.35: Festivals require the approval of the Zoning Board of Appeals.

- 13. PUBLIC HEARING: **APPLICANT: Ronald Taylor**
 REPRESENTATIVE: Jason McFall
 COMMON DESCRIPTION: 8236 Studebaker
 LEGAL DESCRIPTION: 13-34-159-031
 ZONE: R-1-C

VARIANCES REQUESTED: Permission to

Allow a front porch awning to extend 7' into the front yard setback.

ORDINANCES and REQUIREMENTS:

Section 7.05 – Front Yard: Each lot in R-1-C districts shall have a front yard of not less than twenty-five (25) feet.

- 14. PUBLIC HEARING: **APPLICANT: Scott D. Roush**
 REPRESENTATIVE: Jason McFall
 COMMON DESCRIPTION: 30107 Gruenburg
 LEGAL DESCRIPTION: 13-07-256-035
 ZONE: R-1-B

VARIANCES REQUESTED: Permission to

Allow a patio awning to extend 15' into the rear yard setback.

ORDINANCES and REQUIREMENTS:

Section 6.08 – Rear Yards: Each lot in R-1-C districts shall have a rear yard depth of not less than thirty-five (35) feet.

- 15. PUBLIC HEARING: **APPLICANT: Curtis E. Rabon, Jr.**
 REPRESENTATIVE: Same as above.
 COMMON DESCRIPTION: 8343 Garbor
 LEGAL DESCRIPTION: 13-15-304-028
 ZONE: R-1-C

VARIANCES REQUESTED: Permission to

- 7) Erect a garage 12' to the eaves on the previously granted variance for 1,152 square ft.
- 8) Erect a 12' x 12' = 144 square ft. shed.
- 9) Erect a shed outside the side building lines of the dwelling.
- 10) Erect a shed 4' from the garage.

ORDINANCES and REQUIREMENTS:

Section 4.19 – Detached Garage Buildings: (B) Detached garages shall not exceed one (1) story or ten (10) feet in height of the eaves.

Section 4.20 – Detached Accessory Buildings: (A) All detached accessory buildings shall not exceed one (1) story or ten (10) feet in height measured to the eaves and shall not occupy more than thirty (30) percent of the rear yard. Such buildings shall conform to, and shall not project beyond, the existing side building lines of the principal building on the lot and shall be one (1) foot from the edge of any easement. The construction of all such accessory structures shall be subject to the following conditions: 3. That the accessory building be placed against any other accessory structure, such as a detached garage, that may exist in the yard. Only one (1) detached accessory structure shall be permitted in the yard. 5. That all accessory structures, excluding garages, will not exceed a total of 120 square ft.

16. PUBLIC HEARING: **APPLICANT: Michelle Laskowski ~~–USE–~~**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 28759 Ryan
LEGAL DESCRIPTION: 13-18-228-011
ZONE: MZ, C-1, P

VARIANCES REQUESTED: Permission to ~~–USE–~~

Allow a photography studio to operate in a C-1 zone.

ORDINANCES and REQUIREMENTS:

Section 13.01 – Uses Permitted: A photography studio is not allowed in a C-1 district.

17. PUBLIC HEARING: **APPLICANT: Hassen Fawzi Charara**
REPRESENTATIVE: Same as above.
COMMON DESCRIPTION: 21520 Mullin
LEGAL DESCRIPTION: 13-34-403-010
ZONE: M-2

VARIANCES REQUESTED: Permission to

- 1) Allow parking within 31’ 8” of the front property line.
- 2) Waive 4,068 square ft. of required off-street parking.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards (A): Front yards M-2 25 ft. 2. In an M-2 zone where a front yard has been established by the majority of the existing buildings in a block, all buildings hereinafter erected or altered shall conform to the building line thus established, provided no building in an M-2 zone shall be required to set back further than 50 feet. Provided, further, however, notwithstanding any provisions to the contrary, in M-2 zones, yards front on a major thoroughfare as defined by the master thoroughfare plan for the City of Warren or front yards facing a residential district shall be fifty (50) feet.

Section 4.32 – Off-Street Parking Requirements: (23) Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing and engraving shops, warehouse and storage buildings. Provide upon land owned by such establishment about each industrial building, buildings or use, other than the front yard, or driveways which shall be sufficient in size to provide adequate facilities for the parking of automobiles and other motor vehicles used by the firm or employees or persons doing business therein, such space shall not be less than one (1) parking space for each four (4) employees, computed on the basis of the greatest number of persons to be employed at any one period during the day or night, and in no case shall the area allotted to off-street parking be less than one hundred (100) percent of the total floor area.

18. PUBLIC HEARING: **APPLICANT: Eastside Truck Wash / Jim Martin**
REPRESENTATIVE: Stacy Cergel
COMMON DESCRIPTION: 25803 Sherwood
LEGAL DESCRIPTION: 13-21-326-014
ZONE: M-2 and M-3

VARIANCES REQUESTED: Permission to

- 1) Allow a building within 86.52 ft. of the front setback.
- 2) Allow open storage to within 25 ft. of the north property line.
- 3) Allow open storage on gravel and crushed concrete.

- 4) Allow 9,600 square ft. of open storage in an M-2 zone due to M-2 zone in the northern portion of parcel.
- 5) Waive 5,781 square ft. of required off-street parking.

ORDINANCES and REQUIREMENTS:

Section 17.02 – Industrial Standards: (A) Front yards M-2, 25 ft. M-3, 150 ft. 2. In an M-2 zone where a front yard has been established by the majority of the existing buildings in a block, all buildings hereinafter erected or altered shall conform to the building line thus established, provided no building in an M-2 zone shall be required to set back further than 50 feet. Provided, further, however, notwithstanding any provisions to the contrary, in M-2 zones, yards fronting on a major thoroughfare as defined by the master thoroughfare plan for the City of Warren or front yards facing a residential district shall be fifty (50) feet. 3. In M-3 and M-4 zones, front yards may be utilized for parking or vehicles provided that the front fifty (50) feet of a lot or tract in an M-3 district and the front seventy-five (75) feet of a lot or tract in an M-4 district shall be landscaped and the balance shall be depressed at least two (2) feet so as to have all parked vehicles therein, completely out of sight or view of the roadway.

(S) Open Storage Other Than Junk: The designated area shall always be hard surfaced and screened from the public street and any residentially zoned areas. The designated areas shall not be located in any area required for parking space and is necessary to meet the minimum requirements of Section 4.32 of this ordinance. Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site except in M-3 and M-4 zones where the amount of outside storage area is not limited based on the size of the primary structure. In M-1 and M-2 zones the designated area shall not be located any closer than seventy-five (75) feet to the front property line unless the size of the lot is less than one hundred fifty (150) feet in depth in which case the Planning Commission may allow the designated area to be located no closer than twenty-five (25) feet from the front property line. In M-3 and M-4 zones outside storage may not be closer than one hundred fifty (150) feet from any street right-of-way line.

Section 4.32 – Off-Street Parking Requirements: Stalls, their widths and lengths, maneuvering area, and points of ingress and egress. (K) All off-street parking areas shall be provided with adequate ingress and egress, shall be hard surfaced with concrete or plant-mixed bituminous material (base may be stabilized gravel or equivalent), shall be maintained in a usable dustproof condition, shall be graded and drained to dispose of all surface water, provide protective bumper curbs as per Section 4.32(i) and 16.07, and shall otherwise comply with Section 2.46 and 16.05 of this ordinance (H) The amount of required off-street parking space (23) industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing and engraving shops, warehouse and storage buildings. Not be less than one (1) parking space for each four (4) employees, computed on the basis of the great number of persons to be employed at any one period during the day or night, and in no case shall the area allotted to off-street parking be less than one hundred (100) percent of the total floor area.

19. NEW BUSINESS

- a) Approve meeting dates for 2022.

20. ADJOURNMENT

Paul Jerzy
Secretary of the Board

Any person with a disability who needs accommodation for participation in this meeting should contact the Warren City Council Office at (586) 258-2060 – 48 hours in advance of the meeting to request assistance.